

08/20/09

JF AF

Attorney Docket No. 25619-501



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Schoenfeld *et al.*
SERIAL NUMBER: 09/806,400 EXAMINER: Ron Schwadron, Ph.D.
FILING DATE: March 30, 2001 ART UNIT: 1644
FOR: COMPOSITIONS FOR THE PREVENTION AND/OR TREATMENT OF
ATHEROSCLEROSIS

Mail Stop: Appeal Brief - Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF
UNDER 37 CFR § 41.37**

In response to the Notice of Non-Compliant Appeal Brief, mailed August 6, 2009, Applicants submit a revised copy of the Appeal Brief timely filed on April 24, 2009, incorporating all the items required under 37 CFR 41.37(c) in the proper order and including an Evidence Appendix on a separate page in accordance with M.P.E.P. § 1205.02.

Applicants believe that no additional fees are due in this filing, however, the Commissioner is authorized to charge any additional fees due, or credit any overpayment of same, to the undersigned's account, Deposit Account No. 50-0311, Reference No. 25619-501.

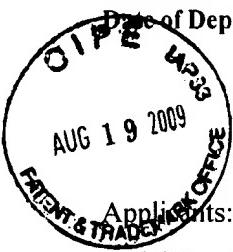
Should any questions or issues arise concerning this application, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ivor R. Elrifi".

Ivor R. Elrifi, Reg. No. 39,529
Matthew Pavao, Reg. No. 50,572
Attorneys for Applicants
c/o MINTZ, LEVIN
Tel: (617) 542-6000
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Dated: August 19, 2009



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For:

Compositions for the Prevention and/or Treatment of Atherosclerosis

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TRANSMITTAL LETTER

Enclosed herewith for filing in the above-identified application please find the following documents:

1. Response to Notice of Non-Compliant Appeal Brief Under 37 C.F.R. § 41.37 (1 page);
2. Revised Appeal Brief (10 pages) (in triplicate);
3. Evidence Appendix Exhibits (118 pages) (in triplicate);

Declaration of Dror Harats Under 37 C.F.R. § 1.132 dated December 4, 2005, filed with the U.S. Patent and Trademark Office on December 7, 2005 (5 pages);

Declaration of Dror Harats Under 37 C.F.R. § 1.132 dated August 28, 2006, Filed with the U.S. Patent and Trademark Office on August 31, 2006 (2 pages);

References submitted to the U.S. Patent and Trademark Office on December 7, 2005, (111 pages);

- Bocan, *Curr. Pharm. Des.* 4(1):37-52, 1998;
- Ishibashi et al., *J Clin Invest.* 92:883-893, 1993;
- Lichtman et al., *Arterioscler. Thromb. Vasc. Biol.* 19(8):1938-44, 1999;
- Maron, R. et al., *FASEB J.* 14:A1199-(Abstr.), 2000;
- Babaei et al., *Cardiovasc Res.* 48(1):158-67, 2000;
- Burleigh et al., *Biochem Pharmacol.* 70(3):334-42, 2005;
- Chen et al., *Circulation.* 106(1):20-3, 2002;
- Collins et al., *Arterioscler Thromb Vasc Biol.* 21(3):365-71, 2001;
- Cyrus et al., *Circulation.* 107(4):521-3, 2003;
- Elhage et al., *Am J Pathol.* 167(1):267-74, 2005;
- Li et al., *J Clin Invest.* 106(4):523-31, 2000;

- Napoli *et al.*, *Proc Natl Acad Sci U S A*. 99(19):12467-70, 2002;
- Roselaar *et al.*, *Arterioscler Thromb Vasc Biol*. 16(8):1013-8, 1996; and
- Wang *et al.*, *Atherosclerosis*. 162(1): 23-31, 2002.

4. Return Postcard.

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